

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA §
§
v. § No. A-11-CR-646-SS
§
CHRISTOPHER KEITH NAGY §

DEFENDANT'S MOTION TO SUPPRESS EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Defendant, CHRISTOPHER KEITH NAGY, by and through his attorney of record, and respectfully moves the Court, pursuant to Rules 12(b)(3) and 41(f) of the Federal Rules of Criminal Procedure, and the Fourth Amendment to the Constitution of the United States, to suppress all items resulting from a search pursuant to warrant in the above styled and numbered cause, and in support thereof would show the Court as follows:

I.

On March 21, 2011, officers from the Austin Police Department conducted a search at 1287 Amberwood Loop, Kyle, Hays County, Texas. This search was conducted pursuant to a warrant. At the time of the search a number of items were seized from the residence.

II.

The search and seizure of the premises was conducted pursuant to a search warrant, which was issued without sufficient basis for a neutral and detached magistrate to find probable cause therefore, or for an officer to reasonably rely on said warrant. Defendant nor anyone else present at the time gave voluntary consent for a search of the residence. The search and seizure therefore violated Defendant's rights as guaranteed by the Fourth Amendment of the United States Constitution.

WHEREFORE, in consideration of the above, Defendant respectfully prays that this Honorable Court suppress any and all items seized in connection with the above-mentioned search, as well as any fruits thereof.

Respectfully submitted,

LAW OFFICE OF JOSE LUIS LOPEZ
1200 Nueces Street
Austin, Texas 78701
Phone No. 512.482.9400
Facsimile No. 512.532.7077

By:

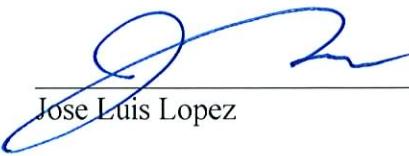


Jose Luis Lopez
State Bar No. 24041358

Attorney for Christopher Keith Nagy

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing Defendant's Motion to Suppress Evidence has been hand delivered to Mr. Douglas Gardner, Assistant U. S. Attorney, 816 Congress Avenue, Suite 1000, Austin, Texas 78701, on the 6th day of December 2012.



Jose Luis Lopez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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No. A-11-CR-646-SS

CHRISTOPHER KEITH NAGY

§

§

§

ORDER

On this the _____ day of _____, 2012, came on to be heard the Defendant's Motion to Suppress. The Court having considered the motion, the authorities in support hereof, and the Government's response thereto, the Court is of the opinion that Defendant's motion should be GRANTED.

IT IS THEREFORE ORDERED that all evidence seized and any fruits thereof is suppressed and the Government is prohibited from introducing such at trial or sentencing of this cause.

JUDGE PRESIDING